

FAIR HOUSING

Update

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July 2005

Fair Housing Ruling Allows Dying Woman to Keep Housing

By the Seattle Office for Civil Rights

Quick action by the Seattle Office for Civil Rights helped a dying Seattle resident remain in her home.

When Jennifer Howlett received a 20-day lease-termination notice in February from her landlord, she didn't know where to turn. Ms. Howlett is in the final stage of terminal colon cancer, and is not physically able to relocate.

Ms. Howlett filed a fair housing complaint with the Seattle Office for Civil Rights (SOCR) alleging discrimination on the basis of a disability. The building owner had claimed that she wanted to move into the unit herself, a valid reason for lease termination under state law. When the deadline passed for Ms. Howlett to move out, the owner filed a court action to evict her, and the case was ordered to trial.

At the same time, SOCR issued a finding of unlawful discrimination, following an expedited investigation. City investigators discovered that the owner had told three separate individuals that she didn't want a tenant to die in her building. Under fair housing law, it is illegal to evict someone based on a disability such as a life-threatening illness.

With a trial date looming, SOCR negotiated a settlement between Ms. Howlett and the owner that guarantees Ms. Howlett's right to remain in her apartment for the duration of her illness. The settlement also required the landlord to pay Ms. Howlett \$2,000 and to attend fair housing training at a later date.

"Our investigation turned up direct evidence of the landlord's intention to force Ms. Howlett out of her home because of her disability," said Angela Dawson-Milton, SOCR's Enforcement Manager. "Because of the egregious nature of the violation, we insisted that the settlement include a cash penalty that compensates Ms. Howlett both for out-of-pocket expenses as well as pain and suffering."

Ms. Howlett donated a portion of her settlement to PETA, People for the Ethical Treatment of Animals. Had the case gone

to a Hearing Examiner, the likely judgment against the landlord would have been over \$20,000.

"The urgency of the situation made this a difficult case," said Germaine W. Covington, Director of the Seattle Office for Civil Rights. "Our office worked closely with the City Attorney's Office to come up with a reasonable and just solution. We think this is a good example of why fair housing laws matter to all of us."

"Everyone told me, 'You can't fight the landlord,'" said Jennifer Howlett. "I felt beaten up by the unfairness of it all. I am just so grateful for being able to stay in my own home."

Have a question about fair housing in Seattle? Call the Seattle Office for Civil Rights at 206-684-4500 (TTY 206-684-4503), or find SOCR on the Web at www.seattle.gov/civilrights.



Questions & Answers

Q. The Franklins are former tenants who file a discrimination complaint against owner Kevin, who tells current tenants that if he sees the Franklin's son Bret visiting any of them, they'll be evicted. Is this discriminatory?

A. Kevin has no legitimate business reason to ban Bret Franklin from the apartment premises. It appears that Kevin's actions are directly related to the fact that the Franklins filed a civil rights complaint against him. If so, then the Franklins could file a retaliation complaint against Kevin.

By banning Bret from the complex, Kevin is also limiting the ability of current tenants to associate with whom they like. This would have a "chilling effect" on any other tenants who might have a lawful complaint, as other tenants would be less likely to protest discrimination if they thought Kevin would similarly ban them and their guests. Thus, Kevin's statements to current tenants are discriminatory towards the current tenants as well.

Q. The fitness room at the Bay View Apts prohibits children under 15 from using the weight training equipment. Is this discriminatory?

A. After much research, we came to the conclusion that there are apparently no state or federal laws governing the age of persons who can safely use weight-training equipment. However, fitness centers managed by local cities and private businesses do allow some children to use such equipment so these industry guidelines might assist housing providers in establishing appropriate age limits. When setting rules for use of a fitness room, housing providers should consider the following:

- If a fitness room is generally unsupervised, it should be locked so that unauthorized people cannot enter. List entry rules on the door and only provide keys to authorized residents. This should serve to keep

unaccompanied young children out.

- It's safer for everyone if basic equipment instructions are posted on or next to each item of equipment. If possible, provide new tenants with an orientation to the equipment, or make the written equipment operating manuals available on-site.
- Many fitness centers such as the YMCA and Golds Gym permit children aged 15-17 to use fitness equipment without adult supervision. Many centers require adult supervision for children aged 13-15.
- Equipment manufacturers' height and weight recommendations may also provide reasonable guidance to appropriate age and size of equipment users.

Remember that rules excluding everyone under the age of 18 would be too strict. Many older teenagers are already using similar equipment in high school. Also, a parent who wishes to exercise might bring along a baby in a carrier, a toddler in a small playpen, or a young child who sits quietly, reading or playing with toys. You can set rules that prohibit younger children from using or touching exercise equipment, as appropriate, but it might be too restrictive to prohibit them from entering your exercise facility with an adult.

Q. Assistant Manager Frank Martin frequently goes out of his way to pass by the swimming pool, and several female residents have complained about him ogling them while they sit in the lounge chairs. What steps should the manager take?

A. Sexual harassment's most familiar form is language, including derogatory remarks, slurs, jokes, intimidation, and even threats of violence. Sexual harassment can also take the form of body gestures, whistling, ogling, unwelcome touching or even physical violence. Certain printed materials

can also constitute sexual harassment. Because several residents have made the same complaint about Frank's potentially harassing behavior, he's certainly made them uncomfortable in a common area, and this could amount to discriminatory sexual harassment.

The property owner is responsible for the behavior of employees, managers, maintenance workers, property management company employees or other workers who live at or visit the apartments. If a tenant complains of being sexually harassed, management must take prompt action intended to redress the harm and prevent it in the future. The manager should discuss the situation with Frank, reiterate the nonharassment policy, and warn him that he risks negative employment action if he continues to behave inappropriately. Follow up with the tenants to ensure there have been no further problems, and document everything!

Q. Brian and Dwayne, 13-year-old twins, always swim together and comply with all the pool rules at Alder Manor. One day manager Angela sees Brian's medical ID bracelet that says he has epilepsy. She sends a notice to their mother saying that unless Brian swims with Martha or another responsible adult present, she will cite them for a rule violation.

A. It is a discriminatory practice to treat a person with a disability differently than a nondisabled person with respect to apartment rules for any other purpose than to provide a reasonable accommodation(s) so that a disabled person may equally use and enjoy the dwelling. Managers should not formulate special rules for persons with a condition or disability based upon perceived stereotypes or a belief that the disabled person is an increased liability. In this situation, the tenants are complying with reasonable pool

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Q&A *continued from page 2*

Q. The management of the Laurel Tree Complex requires that prospective tenants show their driver's license as identification. Does this violate fair housing laws?

A. This practice is not discriminatory in and of itself. However, keep in mind that an individual with a disability may not have a driver's license because of the disability, so other photo identification should be accepted as ID instead of a driver's license. Also, some people who are new U.S. residents may not yet have applied for a driver's license, but may have other perfectly useful identification. One good guide is to look at what most banks accept as identification -- a driver's license, a passport, student identification, a state identification card, and even some types of credit cards. Many other types of documents may be acceptable as identification. For a list of alternative screening documents, see our online list at www.metrokc.gov/dias/ocre/100QsappB.htm. Note that a few local fair housing agencies (e.g., Seattle Office for Civil Rights) prohibit housing providers from requesting and making a record of any information, or using any application form containing questions or inquiries concerning protected class.

New fair housing publications

available from the Fair Housing Partners of Washington State

by Karen Peirola, King County Office of Civil Rights

Calling all real estate industry professionals, housing providers, home buyers and tenants. The Fair Housing Partners of Washington State, a partnership of enforcement agencies and advocacy organizations, is proud to announce several new fair housing publications hot off the presses.

Fair Housing for Real Estate Industry Professionals

Now real estate professionals can find accurate, up-to-the-minute information on fair housing laws in the brand-new publication, "Fair Housing for Real Estate Industry Professionals – Top 100 Frequently Asked Questions & Answers." The handbook answers questions on buying and selling homes, including advertising and marketing, self-steering by prospects, the use of testers, how to assist a prospect or client with a disability, resources for you and your clients, and much, much more. The project was developed in response to requests from real estate industry professionals for fair housing training. Most of the questions in the handbook came from real estate professionals and mortgage lenders who met with the Fair Housing Partners of Washington in late 2004. This partnership with real estate industry professionals proved essential to create an accurate, relevant and useful resource. The Fair Housing Partners look forward to continuing this collaborative partnership!

Publications and posters now available in Spanish

"Fair Housing in Washington State – Top 100 Frequently Asked Questions & Answers for Property Owners and Managers," our popular fair housing guide for anyone involved with property management, is now available in Spanish. If you don't have a copy or would like the new Spanish version, call our office today! Our three sample policies covering tenant on tenant harassment, reasonable accommodations for people with disabilities and service animals, are also available in Spanish. King County Office of Civil Rights' "We Believe in Fair Housing" poster is now available in Spanish as well.

Two new tenant and home buyer publications available

Looking to rent a home or purchase a house? "Housing Discrimination and Your Civil Rights – A Fair Housing Guide for Renters and Home Buyers" provides an overview of fair housing laws throughout the state and answers frequently asked questions about the rental and home buying processes. The handbook is also available in Spanish, Chinese, Cambodian, Vietnamese and Russian. Get your free copy today.

Being evicted or can't find housing because you were a victim of domestic violence? "Domestic Violence and Your Housing Rights" a brochure about fair housing laws and the new protections under the Residential Landlord-Tenant Act is now available in English, Spanish, Chinese, Cambodian, Vietnamese and Russian.

Fair Housing Training: Don't forget, the fair housing partners provide free quarterly fair housing training at the Jackson Federal Building in downtown Seattle from 9 a.m. to noon. The next training is scheduled for July 27, 2005. This training provides a basic overview of the fair housing laws and is a great place to send your new managers. We have now added an advanced fair housing training in the afternoon to answer more of your questions. Call the King County Office of Civil Rights at 206-296-7592 or 206-296-7596 TTY to register. In addition to the quarterly trainings, if you would like to have fair housing training provided to your staff at your complex or your real estate office you can contact your local fair housing agency to make arrangements.

For copies of any of these publications, contact the King County Office of Civil Rights (KCOCR) by calling 206-296-7592 or 206-296-7596 TTY or visit us online at www.metrokc.gov/dias/ocre. These new publications and translations were made possible through a partnership grant from the U.S. Department of Housing and Urban Development.

Upcoming Events

July 27, 2005

Fair Housing Basics Workshop

9:00 a.m. - Noon

Advanced Fair Housing Seminar

1:00 p.m. - 3:00 p.m.

Provided by HUD, WSHRC, SOCR and KCOCR

Jackson Federal Building

South Auditorium, 4th Floor

915 Second Avenue, Seattle, WA

Contact KCOCR at 206-296-7592 for additional information or to register for either workshop. Online info including driving directions and parking info: www.metrokc.gov/dias/ocre/qtrtrain.htm

September 28, 2005

Fair Housing Center of South Puget Sound Ten Year Anniversary Celebration

11:30 AM to 1:30 PM

at the Landmark Convention Center in Tacoma.

Location and details to be announced!

October 19 & 20, 2005

Crime Free Housing Program

8 a.m. - 5 p.m.

City of Tacoma

Central Wastewater Treatment Facility

Transmission Conference Room

2201 Portland Avenue

Tacoma, Wa 98421

For additional information contact Mary Beth Riggs at 253-591-5160

How to reach us

Fair Housing Center of South Puget Sound

253-274-9523 / 1-888-766-8800

TTY 253-274-9523

King County Office of Civil Rights

206-296-7592, TTY 206-296-7596

Website: www.metrokc.gov/dias/ocre

Northwest Fair Housing Alliance

509-325-2665 / 1-800-200-FAIR

Seattle Office for Civil Rights

206-684-4500, TTY 206-684-4503

Website: www.cityofseattle.net/civilrights

Tacoma Human Rights and

Human Services Dept.

253-591-5151, TTY 253-591-5153

Website: www.cityoftacoma.org/HRHS

U.S. Dept. of Housing &

Urban Development

206-220-5170, TTY 206-220-5185

Website: www.hud.gov/offices/ftheo

Washington State

Human Rights Commission

360-753-6770 / 1-800-233-3247

TTY 1-800-300-7525

Website: www.wa.gov/hrc

About this publication

The Washington State Fair Housing Update is a quarterly publication of Fair Housing Assistance Program (FHAP) Agencies and non-profit fair housing organizations

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City of Tacoma

Human Rights and Human Services Department

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